

1 HB30
2 69114-1
3 By Representative Allen
4 RFD: Education
5 First Read: 01-FEB-05
6 PFD: 12/08/2004

SYNOPSIS: Currently, the Title 16, Chapter 40A, Code of Alabama 1975, (1) provides minimum content standards to be included in any sex education program or curriculum taught in Alabama public schools including an emphasis, in a factual manner and from a public health perspective, that homosexuality is not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense under the laws of the state and (2) provides that conduct that is illegal under state law shall not be encouraged or proposed to public school children in such a manner as to indicate that they have a legitimate right to decide or choose illegal conduct. However, the state has no established policy restricting or prohibiting the use of state funds for the purchase of textbooks, library books, or other materials that sanction, recognize, foster, or promote a lifestyle or actions prohibited by the sodomy and sexual misconduct laws of the state.

1 This bill would prohibit the expenditure or
2 use of public funds or public facilities by any
3 state agency or public entity for the purchase,
4 production, or promotion of printed or electronic
5 materials or activities that sanction, recognize,
6 foster, or promote a lifestyle or actions
7 prohibited by the sodomy and sexual misconduct laws
8 of the state.

9
10 A BILL
11 TO BE ENTITLED
12 AN ACT
13

14 To prohibit the expenditure or use of public funds
15 or public facilities by any state agency or public entity for
16 the purchase, production, or promotion of printed or
17 electronic materials or activities that sanction, recognize,
18 foster, or promote a lifestyle or actions prohibited by the
19 sodomy and sexual misconduct laws of the state.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. In order to establish and insure good
22 public policy and accountability in the use of state
23 resources, it shall be the policy of the state of Alabama
24 that:

25 (a) No public funds or public facilities shall be
26 used by any state agency, public school, public library, or
27 public college or university for the purchase, production, or

1 promotion of printed or electronic materials or activities
2 that, directly or indirectly, sanction, recognize, foster, or
3 promote a lifestyle or actions prohibited by the sodomy and
4 sexual misconduct laws of the state of Alabama. No public
5 funds shall be used for the purchase of textbooks or library
6 materials that recognize or promote homosexuality as an
7 acceptable lifestyle or encourages or proposes to public
8 school children that they have a legitimate right to decide or
9 choose illegal conduct.

10 (b) No state agency, public school, public library,
11 or public college or university, directly or indirectly, shall
12 require or encourage the entity's members or employees to
13 provide information or materials or engage in any activities
14 that, directly or indirectly, sanction, recognize, foster, or
15 promote a lifestyle or actions prohibited by the sodomy and
16 sexual misconduct laws of the state of Alabama.

17 (c) Any public employee who violates the provisions
18 of this section shall be guilty of a Class A misdemeanor.

19 (d) This section shall not be construed to be a
20 prior restraint of the First Amendment protected speech. It
21 shall apply only to state agencies, public schools, public
22 libraries, and public colleges and universities in the use of
23 public funds and public facilities.

24 Section 2. The provisions of this act are severable.
25 If any part of this act is declared invalid or
26 unconstitutional, that declaration shall not affect the part
27 which remains.

1 Section 3. All laws or parts of laws which conflict
2 with this act are repealed.

3 Section 4. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.